

REMARKS

In response to the Office Action mailed on July 11, 2005, the Applicants respectfully request reconsideration of the rejections set forth by the Examiner under 35 U.S.C. § 112, § 102, and § 103. Claims 1, 3, 6, 7, 9, 11-14, and 19-24 are pending. Claims 21-24 have been added.

35 U.S.C. § 112

Claims 1-4 and 6-20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection to the extent that it is applied to the claims as amended.

The Applicants respectfully submit that adequate written support for "displaying one or more movable objects concurrently with the electronic program guide" can be found, for example at page 15, lines 1-3 and lines 17-20. One of ordinary skill in the art will readily recognize that an electronic program guide can be an on-screen guide to scheduled broadcast television programs, allowing a viewer to navigate, select, and discover content by time, title, channel, genre, etc. The statements at page 15 of the present specification clearly describe alternative embodiments of the applicant's invention, wherein other variables may be concurrently used with the figure 4 sliders, for example. Lines 17-20 (page 15) provide explicit support for having different sliders correspond to different functions (for example, one slider [a movable object] could be used to select from a range of directors, the next slider could be used to select a time, etc). Such embodiments would be clear to one of ordinary skill in the art and provide more than sufficient support for having an on on-screen guide, or

displayed data, to scheduled broadcast television programs, allowing a viewer to navigate, select, and discover content by time, title, channel, genre, etc.

Furthermore, at page 14, lines 17-19, wherein "[T]he date and time selection *need not necessarily be* related to an EPG program" (emphasis added), there is clear support for having a date and time selection related to an EPG program. "Such a selection can just be a type of input, such as a reminder, that is not related to the EPG" (emphasis added). See page 14, lines 18-19. The statements at page 14, lines 17-19, merely provide for alternative options for having movable objects, for example, displayed concurrently with an EPG.

Lastly, page 11, lines 7-9, states that a "[D]isplay device 243 may be a computer monitor or television screen by which a user will interact with the video environment to input the time or date." This statement, clarifying figure 2 as an exemplary computer architecture, provides written support for displaying movable objects (inputting time and/or dates) concurrently with an EPG (interacting, navigating, and selecting time and dates, *i.e. EPG data*).

It is important to note that the EPG is the mechanism by which data is observed and manipulated via the movable objects. Without a concurrently viewed EPG and movable object(s), the viewer is not aware of the data he/she is manipulating, navigating, selecting, etc.

35 U.S.C. § 102

Claims 1, 3, 7, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,005,601 to Ohkura *et al.* Applicants respectfully traverse this rejection to the extent that it is applied to the claims as amended.

Claims 1, 3, 7, and 9 have been amended to recite slide knob objects. U.S. Patent No. 6,005,601 to Ohkura *et al.* fails to disclose any slide knobs as moveable objects.

35 U.S.C. § 103

Claims 2, 4, 6, 8, 10, and 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,005,601 to Ohkura *et al.* ("Ohkura"), in view of an IBM Technical Disclosure Bulletin (IBM, *New Method of Setting Time by One Mouse Operation*, Vol. 40, No 03, March 1997) ("IBM"). Applicants respectfully traverse this rejection to the extent that it is applied to the claims as amended.

As stated above, U.S. Patent No. 6,005,601 to Ohkura *et al.* fails to disclose any slide knobs as moveable objects.

The IBM Technical Disclosure Bulletin ("IBM", *New Method of Setting Time by One Mouse Operation*, Vol. 40, No. 03, March 1997) is directed to a graphical button wherein if a mouse cursor touches the button, the time may be changed by the cursor position. The Bulletin does not relate to an Electronic Program Guide and so is inapposite to the invention claimed here. More specifically, there is nothing being "slid" by the action of the cursor in the cited Bulletin. There is nothing described in, or about, any of the IBM figures or icons that would suggest a slide knob as disclosed in Figure 4, for example, of the present application. Per the IBM disclosure, "[I]t uses the graphical button like a clock, whereby the time will be changed by the position of the mouse on the button." This statement, combined with the "[M]oves" term (referring to the mouse cursor) illustrated in Figure 2 of the IBM disclosure, clearly shows that the only graphic that is able to be moved or repositioned in/on the button is the cursor itself. There is nothing being displaced by the action of the user. Contrast the IBM mechanism of changing time with that of the present invention (wherein

knobs are moved by a pointer device, for example), and one will readily realize that IBM's "new method of setting time by one mouse operation" does not correspond to a slide knob operation as described in the present application (see page 15 for example). Even the title of the IBM disclosure ("....one mouse operation") strongly suggests that there is no other graphic figure/icon that is required to be displaced or repositioned.

With respect to new claims 19 and 20, the Examiner asserts that the IBM Technical Disclosure Bulletin teaches "an analog-type mechanism having at least an hour hand grab mechanism (Fig.1)." See page 4 of Office Action mailed on July 11, 2005. While the IBM Bulletin appears to show a "button like a clock" (see description of Fig. 1 in the Bulletin), nowhere does the Bulletin teach a grabbing mechanism whereby hands of a clock are actually moved. For example, see page 13, lines 7-8, of the present specification; wherein, "[A]gain, hands can be pulled with a mouse-type device" (emphasis added). As stated above, and per the IBM disclosure, the only graphic/icon that is moved in IBM's method of setting time is the mouse cursor.

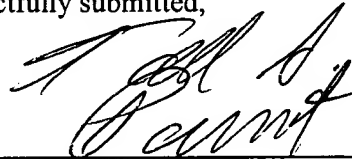
The CAFC held in *Teleflex, Inc. v. KSR Intn'l Co.*, (applicant acknowledges that the opinion is nonprecedential), there to be a requirement that the prior art contain a suggestion to combine. *Teleflex, Inc. v. KSR Intn'l Co.*, 119 Fed. Appx. 282; 2005 U.S. App. LEXIS 176. This and other patent law clearly show that it would be improper to assert that the presently claimed invention is obvious based upon the cited IBM disclosure and U.S. Patent No. 6,005,601 to Ohkura *et al.* references. The law is clear: combinations of existing elements are nonobvious, and therefore are patentable, unless some specific "teaching, suggestion, or motivation" to combine those elements is found in the cited references. Neither one of the presently cited 35 USC 103 references contain a suggestion to combine. In addition,

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"[C]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability, the essence of hindsight." In re Dembiczak, 50 USPQ2d, 1614, 1617 (1999).

Applicant respectfully submits that all claims are in condition for allowance.

Respectfully submitted,



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Todd S. Parkhurst
HOLLAND & KNIGHT LLP
131 S. Dearborn, 30th Floor
Chicago, Illinois 60603
Tel: (312) 263-3600
Attorney for Applicant

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Attorney for Applicants

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